



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2502378
Applicant Name: Debra Goodman for Brad Easton
Address of Proposal: 2514 East Denny Way

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Project #2301076. The development site is located in an Environmentally Critical Area (ECA) – Geologic Hazard Areas.*

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into four unit lots
(Chapter 23.24, Seattle Municipal Code).

SEPA Threshold Determination (Chapter 25.05 SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

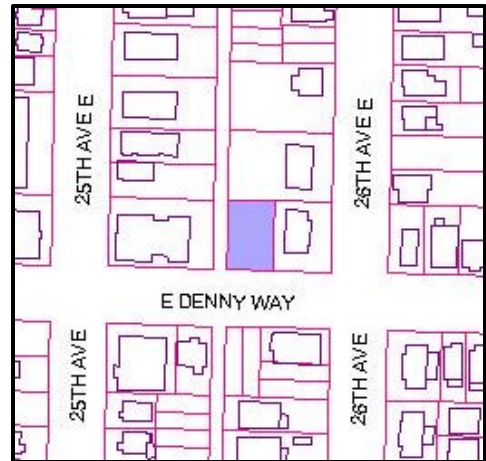
* ECA Limited Exemption granted on August 5, 2002 (#2205401)
** Early Notice DNS published May 19, 2005

BACKGROUND DATA

Located on the eastside of Capitol Hill, the subject site is positioned in the middle of the block, adjacent to an alley between 25th Avenue East and 26th Avenue East on the north side of East Denny Way in Seattle's Capitol Hill neighborhood. The existing lot is approximately 4,272.9 square feet located in a Multifamily Lowrise Two (L-2) zone with a minimum density limit of one unit per 1,200 square feet of lot area. The site is a rectangular in shape lot that slopes modestly downward from the west property line to the east, approximately 18 feet over a distance of approximately 85 feet. The existing parent lot, currently under construction, will provide four townhouse units.

At the time of the site visit no vegetation was present at the subject lot. A Building Permit Application (#745279) was issued to allow construction of a townhouse structure with surface parking for four vehicles accessed off an asphalt alley adjacent to the east property line.

The development site contained a mapped 40% steep slope running through the middle of the lot. The applicant submitted an Environmental Critical Areas Exemption Request (project #2205401) from steep sloped standards and was granted a limited exemption on August 5, 2002. DPD concluded that the slope did not have an elevation change of 20 feet and was not a part of a larger steep slope system and appeared to have been created by previous legal grading activities coupled with findings from the geotechnical report that stated no adverse impacts would be encountered supported the determination to grant the exemption request. Additionally, the development site was part of a short plat action in April 2003, which subdivided parcel of land into two parcels of land under Project Number 2207341.



The surrounding residential structures on the block front are for the most part modest one to two-story structures on a quiet residential street. The mix of multifamily and single family residential uses works well in this quiet neighborhood. The streetscape features a number of mature trees in and near the right-of-way, creating a sense of warmth and intimacy to an area otherwise dominated by steep sloping blocks from west to east. Zoning in the vicinity is a mix of Neighborhood Commercial, Multifamily Lowrise and Single family zoning. Surrounding the moderately sized L-2 zone to the west is a narrow band L-3 that provides a buffer from a more intensive Neighborhood Commercial Two zone with a height limit of 40 feet (NC2-40) and NC3-65 zone. Three blocks to the west of the development site a large grocery store was recently completed along 23rd Avenue. To the north of the L-2 zone is a densely populated Lowrise Three (L-3) zone, with a minimum density limit of one unit per 800 square feet of lot area extends beyond East Madison Street. To the west and south of the L-2 zoned area a combination of lower density residential zones that include Multifamily Lowrise Duplex Triplex (LDT), Lowrise One (L-1) and Single Family 5,000 (SF 5000) zones. The majority of the housing stock is modest one and two-story single family structures with an increasing presence of multifamily townhouse developments. Two blocks to the north along this stretch of East Madison, is an area in transition with a number of new development projects currently underway.

Proposal

The subject property is being developed with the construction of two townhouse structures (under related Project Number 2301076). The short subdivision, unit lot subdivision is the subject of this decision, will create four separate unit lots for each of the townhouse units on one single parent lot (or development site). Vehicular access will be provided through a shared driveway access easement extending to an alley running perpendicular to East Denny Way. Parking for four vehicles will be provided on a surface parking pad adjacent to the townhouse units.

Public Comment:

Date of Notice of Application : May 19, 2005

Date End of Comment Period: June 1, 2005

Letters 1

Issues: One public comment letter was received by DPD, during comment period. The respondent expressed her disfavor with the increasing number of subdivisions occurring in the neighborhood which affects quality of life. The area supports increased residential density due in part to minimum multifamily density standards.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. Conformance to the applicable Land Use Code provisions;

The subject property is zoned for residential Multifamily Lowrise Two (L-2) with a minimum density limit of one unit per 1,200 square feet of lot area. The development site contains a land area of 4,272.9 square feet that allows a maximum dwelling unit count of four units. Maximum lot coverage is 50 percent. Front setbacks are an average of the neighboring adjacent lots, not to less than five feet or no greater than 15 feet, which ever is less. The minimum side setback is five feet. Minimum rear setback is 25 feet or 20% of lot depth. The minimum setback between structures shall not be less than 10 feet. The proposed unit lot configurations created by this proposed division of land will conform to all development standards of the parent lot within the L-2 zoning district. With the creation of proposed unit lots "A, B, C, and D" the required front, side, and rear setbacks will be based on the original "parent" lot, not against each created unit lot. Each unit lot contains a private useable open space. Proposed unit lots "A & B" will establish parent lots front setback adjacent to the East Denny Way frontage which will require a fifteen (15) foot setback from the property boundary line. Any future development must conform to land use code requirements at the time of application for the parent lot.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The proposed unit lots will have vehicular access to the parent lot through a shared driveway access adjacent to the asphalt alley abutting the subject lot to the west, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. This short plat (unit lot subdivision) provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#2005-0750) was approved and issued on May 20, 2005. The development site, proposed for short plat, has adequate water service, to support future development. A Side Sewer Permit has been issued, or will be issued, for connection of the project's service drains to an approved discharge point. No conditions are required for this application.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed short (unit lot) subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The development site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA limited exemption (project #2205401) from Steep Slope Critical Areas. It was determined that the critical area at the subject site was a result of legal grading activities. The environmentally critical areas general and submittal standards, as well as the specific standards for geologic hazard areas and other related development standards are still applicable.

Current and new construction on the parcels containing the Geological Hazard Areas will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short (unit lot) subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

There were approximately six (6) deciduous trees located upon the development site that were removed under the associated building permit to allow for construction activity. Due to the siting of the proposed structures and their impact on the root structure, the trees were removed under permit number 745279. Prior to the finalization of the building permit, the parent lot will be re-vegetated with trees and shrubbery meeting Code requirements (SMC 23.45.015.C), which sets forth tree planting requirements on multifamily lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short (unit lot) subdivision is configured to meet all applicable development standards enumerated within SMC 23.45 and SMC 23.24. Each unit lot will contain a townhouse dwelling unit with a shared common wall, private usable open space, and access and joint use agreements. Construction of four townhouses were approved under permit number 745279 and are currently underway at the development site meeting multifamily L-2 development standards.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

SEPA DETERMINATION

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Debra Goodman and submitted on May 10, 2005. The information in the checklist, a Geotechnical Report prepared by Geotech Consultants, Inc., dated July 3, 2002, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and

2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Provide a notation on the face of the short plat to read as follows:

“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

4. Provide an easement or covenant to allow for the placement of a visually accessible address sign at the development site abutting East Denny Way for the benefit of proposed unit lots “C and D.”
5. Add the conditions of approval to the face of the short plat, or on a separate page if needed. If the conditions are on a separate page, insert on the plat:
- “For conditions of approval after recording, see Page ____ of ____.”* (If necessary, renumber the pages).
6. Outline on the face of the short plat: the legal descriptions for the proposed parcels; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as “Easement A”) shall be shown on the face of the plat.

After Recording and Prior to finalization of Building Permit (#745279)

7. View obscuring windows shall be installed in all units which overlook into the private open space of another unit at ground level.

After Recording and Prior to Issuance of future Building Permit

The owner(s) and/or responsible party(s) shall:

8. Attach a copy of the recorded short plat to all building permit plan sets.

Signature: _____ (signature on file) Date: October 27, 2005
Bradley Wilburn, Land Use Planner
Department of Planning and Development

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